



revised plans that were submitted yesterday. They had originally intended for this storage to be inside but that limits delivery options. This will be fenced in the same as the refuse area. He said he also tweaked the handicapped parking in response to the Building Dept. comments.

Mr. McCoy submitted a revised elevation drawing. The one submitted with the application had the proposed height of the building at 15 ft. and it really is going to be 18 ft. He said the canopy will be removed from the building and the final outcome will be that the setbacks will become less non-conforming than they were previously. The exterior of the building will be finished to match the car wash. Chairman Finaldi asked if the tanks will be underground and Mr. McCoy said no they will all be above ground. Chairman Finaldi then asked if there will be anything to stop people from driving out of the car wash right into this tank area. Mr. McCoy said he has to revise the plans to show bollards that they propose to install along the outside for that purpose. Mrs. Emminger said Fire Marshal Bill Weber has also requested this be done. Mr. Keller asked about the waste disposal process. Mr. McCoy said some of the discarded oil will be used to power the heating system for the building. Mr. Urice asked if the tanks have a containment system. Mr. McCoy said they are all double walled which is supposed to prevent any leakage. Mr. McCoy then said there will be one entrance/exit on the Newtown Rd. side of the property with no left turn out. This restriction was part of the original approval and DOT has insisted it be maintained. Mr. Cerminara asked if cars leaving the car wash could easily enter this property. Mr. McCoy said it could be done, but not easily. He added that the car wash employees drive the cars to the front of their building to dry them so that should help discourage that. Mr. Urice asked if there is a review from the City Traffic Engineer and Mr. McCoy said it is the same as the original approval. Ms. Hoffstaetter asked about the existing screening and the side yard setback. Mr. McCoy said it is an existing bank with low vegetation and trees. He added that they are not planning on changing anything. They are hoping that the new building skin and roof would be more attractive than what has existed there for years.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said we are still waiting for comments from Fire Marshal regarding the proposed bollards around the outside tanks. She said she expects to receive Engineering Dept. comments although they have given here a verbal okay. Mr. Urice said that is a lot of open issues and suggested they continue the hearing. Mrs. Emminger said she had hoped the Commission would give her some direction as to what they want to do with this later tonight. Chairman Finaldi said they could still do they are telling the applicant now that they want to discuss it later under Other Matters.

Mr. Urice made a motion to continue this matter, with the intention of discussing it later in tonight's meeting. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Urice then said this is a pretty straightforward although the Fire Marshal could find something. Mrs. Emminger pointed out that the traffic issues were dealt with when the site plan for Squeaky's was approved, so there should not be any surprises.

CONTINUATION OF PUBLIC HEARINGS

Staples Realty LLC – Application for Special Exception for Nursing Home (“Hancock Hall”) in the R-3 Zone – 19, 27 & 31 Staples St. (#G13206, #G13066 & #G14075) – SE #182.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Sharon Calitro said she had brought a map to show the Commission the location that this refers to. She explained that we received the proposed lease in draft form and the ad hoc committee meeting is scheduled for tomorrow night. The existing leases for airport property were just renewed and this is an adjunct parking area besides the existing additional areas. Mrs. Calitro said parking lots are a permitted use in this zone and this adjunct area is not necessary to meet the parking requirements. It is being done to satisfy a new tenant's requirements. They have adequate parking for the Chuck-E-Cheese that is going in where the Boston Billiards previously was. The parking will be for the new tenant for the former Fortunoff's space. Mr. Keller asked what changes will have to be made to the existing parking. Mrs. Calitro said we do not yet have a revised site plan because we need the lease agreement first. They cannot make changes to land that they don't own or have a lease for. She added that they will have to do some connection to the existing parking area and since this is for more than 20 parking spaces, it will have to come back to the Commission for review. It also will require a floodplain permit and review by the Environmental Impact Commission (EIC). She said although staff does not usually comment on lease terms, it is necessary in this case to point out what things need to be corrected or amended. The draft lease contains the standard provisions, but does not include any meets and bounds. At best we should have at least a sketch, preferably a site plan. She continued saying the lease term provision doesn't flow with our approval processes and the language is awkward. She said we have to eliminate the conditional approval phrase because we don't give

conditional approvals; it's either approved or denied. She said they have to add that the tenant is responsible for obtaining all land use approvals for the site. Also a final lease must be provided to the Planning Commission with the site plan application. If the site plan approval requires any conditions or modifications to the lease, it will have to be amended to reflect them. The draft lease has language that would allow the tenant to make changes to the property, which should not be allowed unless approved by the municipality. Also it says that fencing could be installed. That would have to be shown on the site plan. She said there is language in the draft lease that could be misconstrued to allow other uses of the site. And the language about permitted transfers should be deleted because subletting or assigning this would be a bad idea. The property owners should be the only ones allowed to make that kind of decision, not the tenants. She said finally this is a parking area, but it is not required parking for this site. It is a stand alone use separate from shopping center and we need to treat everyone the same.

Mr. Urice said he appreciated all the work that went into this report but more needs to be said. It seems like their lease terms are designed to circumvent our Zoning Regulations. These terms as proposed could put the City in an awkward situation. Ms. Hoffstaetter asked if the lease supersedes the Zoning Regulations. Mrs. Calitro said much of the language in it bypasses the Regulations which is why the Department is suggesting they give this a negative recommendation. Mr. Urice said much of this language needs to be changed. Chairman Finaldi pointed out that this is a referral which means positive or negative with reasons. Mr. Urice said they want to be sure to give teeth to their recommendation. Chairman Finaldi said there is one sentence in the conclusion of the report that says it all so they just need to include that in their reasons.

Ms. Hoffstaetter made a motion to give this a negative recommendation because there are important land use approval issues and relevant language revisions as described in the attached report that should be resolved prior to consideration by the City Council. Mr. Urice seconded the motion. Mr. Urice then suggested this might be in direct conflict with the Zoning Regulations. Mrs. Calitro said all we were given was the draft lease, no details were provided. She said even though there may be other issues, we will have to wait for the site plan review to see what else comes up. Chairman Finaldi called the vote on the motion to give a negative recommendation and it was passed unanimously.

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At 8:45 PM, Mr. Urice made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.